

Applicants hereby request that the Examiner additionally enter the amendment submitted on November 9, 2001, because the Amendment dated February 21, 2002 continues from the amendment dated November 9, 2001.

### **The Response**

#### **Formal Drawings**

The Examiner has objected to the drawings. Applicants are submitting herewith a set of Formal drawings that meet the drawing requirement.

#### **37 CFR 1.75(c) Rejection**

Claims 6 and 7 are objected to under 37 CFR 1.75(c) as allegedly being in improper form because a multiple dependent claim cannot also depend from another multiple-dependent claim.

In the Amendment dated November 9, 2001, Claims 6 and 7, along with Claim 5, have been amended to depend on Claim 1 only.

Therefore, Applicants request the Examiner to withdraw the objection.

#### **35 U.S.C. §112, First Paragraph Rejection**

Claims 1-5 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The rejection is overcome in parts in view of the amendment and traversed in part.

In the amended Claim 1, the hybridization conditions in step (b) are specified as suppression hybridization conditions. These conditions are the same as in those step (d). Suppression hybridization conditions are conventional conditions of a CGH analysis (see pages 191-210 of *Human Chromosomes*). Under suppression hybridization conditions, it is not

necessary to separate unhybridized first amplicons from the test cells prior to a second amplification.

Furthermore, Applicants have amended Claim 1 such that the amplification in step (c) is carried out under the same amplification conditions as those in step (a).


Therefore, the §112, first paragraph rejection of Claims 1-5 should be withdrawn.

### **CONCLUSION**

It is now believed that the application is in condition for allowance and advancement as such is earnestly requested. Should any questions arise in connection with this submission which may be resolved by a telephonic interview, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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**MARKED-UP VERSION SHOWING CHANGES MADE TO CLAIMS**

1. (Four Times Amended) A process for detecting chromosomal overrepresentation in cells, comprising the following steps:

- (a) isolating DNAs from cells which have no known numerical changes in their DNAs, amplifying the DNAs by means of a PCR method using tag primers, and labeling the amplified DNAs with a first label;
- (b) hybridizing cells under study *in situ* with the amplified DNAs from (a) under suppression hybridization conditions;
- (c) amplifying DNAs from the *in situ* hybridized cells from (b) by means of a PCR method using the tag primers from (a) under the same amplification conditions as in (a), and labeling the amplified DNAs of (c) with a second label that is different from the first label;
- (d) cohybridizing the labeled DNAs from (a) and (c) to metaphase chromosome spreads from normal cells under the same suppression hybridization conditions as in (b); and
- (e) identifying numerical changes in the amplified DNAs from (c).

7. (Twice Amended) The process according to claim 1, wherein the identification from (d) comprises a ["Comparative Genomic Hybridization" (CGH)] Comparative Genomic Hybridization method.